

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America

v.

JOSE APONTE

Case No. 09-2091 (JS)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/18/2009 in the county of Burlington in the _____ District of
New Jersey, the defendant violated 18 U. S. C. § 1791(a)(2), an offense described as follows:

While being an inmate at a Federal Correctional Institute-Fort Dix, knowingly and willfully, possessed a prohibited object that is, marijuana.

in violation of Title 18, United States Code, Section 1791(a)(2) and (b)(3).

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.



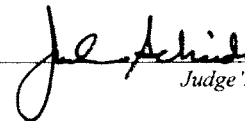
Complainant's signature

Brian Musselman, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/10/2009



Judge's signature

City and state: Camden, New Jersey

Honorable Joel Schneider, U.S. Magistrate Judge

Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
Assistant United States Attorney Matthew T. Smith

Date 11/10/09

ATTACHMENT A

I, Brian P. Musselman (the "affiant"), state that I am a Special Agent with the Federal Bureau of Investigation. Because I have conducted an investigation and have discussed this matter with other law enforcement officers and have reviewed relevant documents, I have knowledge of the facts set forth herein. Because this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not necessarily included each and every fact known to me and other investigators concerning the investigation.

1. On or about January 18, 2009 defendant JOSE APONTE ("APONTE") was an inmate at Federal Correctional Institution Fort Dix ("FCI-Fort Dix").
2. On or about January 18, 2009 at approximately 7:10 AM, a correctional officer (specifically, Correctional Officer John Sheridan) received information from an inmate that APONTE was in possession of marijuana.
3. After learning this information, Correctional Officer Sheridan and several other FCI Fort Dix corrections officers went to APONTE's housing unit (Building 5802). Correctional Officer Sheridan stopped at the unit officer's station in order to verify APONTE's identity. Correctional Officer Sheridan then observed APONTE walking alone in the hallway. Correctional Officer Sheridan then escorted APONTE to his assigned room, Room 340.
4. Once inside room 340, Correctional Officer Sheridan ordered all inmates to exit the room and told APONTE that he was going to conduct a visual search. Correctional Officer Sheridan asked APONTE what APONTE had in his possession. APONTE then handed Correctional Officer Sheridan six packets containing a green leafy substance. The visual search yielded no further contraband in APONTE's possession.
5. Correctional Officer Sheridan then escorted APONTE to the Lieutenant's Office. During the trip, APONTE stated to Correctional Officer Sheridan, in substance and in part, that APONTE intended to "smoke some and sell some." APONTE further stated, in substance and in part, that by selling the remainder of the drugs, APONTE would be able to pay for the drugs.
6. Inside the Lieutenant's Office, Correctional Officer Byram conducted a field test of the green leafy substance. The field tested was positive for the presence of marijuana.
7. After advising APONTE of his Miranda rights, in a February 24, 2009 interview, APONTE told me, in substance and in part, that he had purchased marijuana from another inmate in late December 2008 and that he intended to smoke the marijuana.